



United States Environmental Protection Agency

Region I

**5 Post Office Square, Suite 100
Boston, MA 02109-3912**

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

JUN 03 2015

Mr. David Goodwin,
Senior Eastern US Regional Environmental Health and Safety Manager
Thermo Fisher Scientific
35 Wiggins Avenue
Bedford, MA 01730

Re: NOTICE OF VIOLATION of the Resource Conservation and Recovery Act ("RCRA"), the Hazardous and Solid Waste Amendments ("HSWA") of 1984, and the Commonwealth of Massachusetts Department of Environmental Protection Hazardous Waste Regulations (310 CMR 30.00 through 30.1103)

Dear Mr. Goodwin:

On June 10, 2014 the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection at Thermo Fisher Scientific (formerly known as Applied Biosystems LLC) located at 1455 Concord Street/500 Old Connecticut Path in Framingham, Massachusetts ("Thermo Fisher" or the "Facility"). The purpose of this inspection was to determine the compliance of Thermo Fisher (EPA ID No. MAR000006916) with the Commonwealth of Massachusetts Department of Environmental Protection ("Mass DEP") Hazardous Waste Regulations (310 CMR 30.00 through 30.1103), and Federal Hazardous Waste Management Regulations found at 40 CFR Part 260-272. The Commonwealth of Massachusetts has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection, EPA has determined that your Facility violated certain provisions of the Mass DEP regulations and the RCRA regulations, promulgated at 40 CFR Part 260 through Part 272. The specific violations are set forth below:

- 1. Failure to conduct a timely hazardous waste determination, as required by 310 CMR 30.302.**

Specifically, at the time of the inspection, EPA observed the following container of waste that had not undergone a hazardous waste determination:

One, closed, 1-liter amber glass bottle labeled "sec-butyl alcohol, SCRAP, Expired 2/2014" (i.e., approximately 99 days prior to EPA's June 2014 inspection). This container was located outside of the Facility's less-than 180-day hazardous waste storage area ("HWSA"), in one of three yellow flammables cabinets located in the "Product Storage Area." Mr. Goodwin had indicated that the chemicals inside the three yellow flammable

cabinets and two, blue corrosive cabinets in the Product Storage Area were used in the making of polymers, and that this expired chemical would be brought to the HWSA pending a complete hazardous waste determination.

2. **Storage of universal waste for longer than one year from the date the universal waste is generated, or received from another handler, in violation of 310 CMR 30.1034(6)(a).**

Specifically, at the time of the inspection, EPA observed the following container of universal waste mercury-containing fluorescent lamps in the Facility's designated universal waste area that was in storage for greater than one-year from the date the lamps first became a waste:

One closed, 4 foot cardboard box containing approximately 30 universal wastes lamps labeled "Universal Waste, light bulbs, lamps, 1/25/2013, MA95."

Thermo Fisher is hereby required to: Immediately upon receipt of this NOTICE:

1. Conduct appropriate hazardous waste determinations, as required by 310 CMR 30.302; and
2. Ensure that universal wastes are not stored for longer than one year from the date the universal wastes are generated, or received from another handler, as required by 310 CMR 30.1034(6)(a).

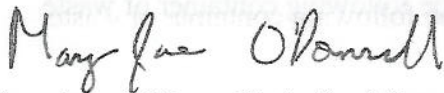
Within 30 days of receipt of this NOTICE:

Thermo Fisher is required to submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations. Information submitted in accordance with this NOTICE should be sent to the following address:

Ms. Susann D. Nachmann, Environmental Engineer
US EPA Region 1 Office of Environmental Stewardship
RCRA, EPCRA and Federal Programs Unit (OES05-1)
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Failure to correct the violations, as required by this NOTICE may subject Thermo Fisher to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 692. If you have any questions regarding this NOTICE, please contact Susann D. Nachmann of my staff at (617) 918-1871.

Sincerely,



Mary Jane O'Donnell, Acting Manager
RCRA, EPCRA and Federal Programs Unit

cc: David LaPusata, MassDEP
Susann D. Nachmann, EPA
RCRA file